

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1010 be amended to read as follows:

- 1 Page 15, between lines 11 and 12, begin a new paragraph and
- 2 insert: "**Sec. 5. As used in this chapter, "project area" means the**
- 3 **area designated by the condemnor and the legislative body for the**
- 4 **condemnor for economic development.**".
- 5 Page 15, line 12, delete "5." and insert "6.".
- 6 Page 15, between lines 20 and 21, begin a new paragraph and
- 7 insert: "**Sec. 7. (a) Notwithstanding the provisions of Section 3, a**
- 8 **condemnor may acquire a parcel of real property by the exercise**
- 9 **of eminent domain under this chapter only if all of the following**
- 10 **conditions are met:**
- 11 (1) **the project area is at least ten (10) acres in size;**
- 12 (2) **the parcel is not occupied by the owner as a residence;**
- 13 (3) **the condemnor or its agents has acquired clear title to**
- 14 **seventy-five percent (75%) of the project area; and**
- 15 (4) **the legislative body for the condemnor must adopt a**
- 16 **resolution by a two-thirds (2/3) vote authorizing the condemnor to**
- 17 **exercise eminent domain over a particular parcel of land.**
- 18 (b) **A condemnor that acquires a parcel of real property**
- 19 **through the exercise of eminent domain under this section shall**
- 20 **compensate the owner of the parcel as follows:**
- 21 (1) **payment to the owner equal to one hundred twenty five**
- 22 **percent (125%) of the fair market value of the parcel as**
- 23 **determined under I.C. 32-24-1;**
- 24 (2) **payment of any other damages as determined under I.C.**
- 25 **32-24-1, including a loss incurred in a trade or business that is**
- 26 **attributable to the exercise of eminent domain; and**
- 27 (3) **payment of the owner's relocation costs, if any.**
- 28 (c) **The condemnor may not acquire a parcel of real property**
- 29 **through the exercise of eminent domain under this section if the**
- 30 **owner can demonstrate by clear and convincing evidence that the**
- 31 **present location of the parcel of real property is essential to the**

1 **viability of the owner's commercial activity and that the payment**
2 **or damages and relocation costs cannot adequately compensate the**
3 **owner of real property.**
4 **(d) The court may award the payment of reasonable attorney**
5 **fees to the owner where the court finds the condemnor did not meet**
6 **the conditions described in this section."**
7 Page 15, line 21, delete "6." and insert "8."
8 Page 15, line 25, delete "7." and insert "9."
9 Page 17, line 5, delete "8." and insert "10."
10 Page 17, line 41, delete "9." and insert "11."
11 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1010 as printed February 17, 2006.)

Senator BRODEN